FEDERAL BUREAU OF INVESTIGATION DELETED PAGE INFORMATION SHEET FOI/PA# 1457897-000

Total Deleted Page(s) = 42

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Page 15 ~ b6; b7C;

Page 20 ~ b6; b7C;

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Page 31 ~ b6; b7C; Page 33 ~ b6; b7C;

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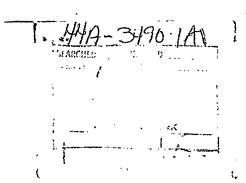
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5	9/15/82	1	Medical Report for Gene London AKA Eu	nene Yulish
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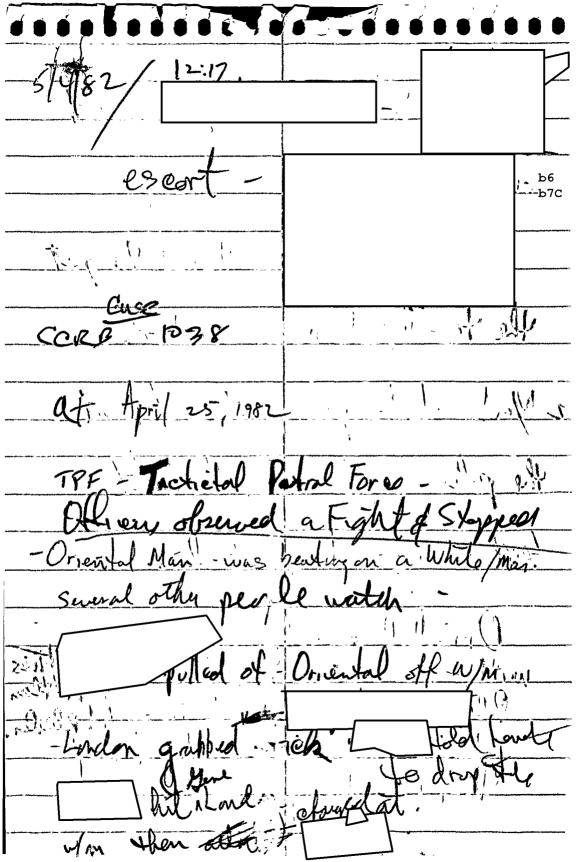
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		of Criminal Pro-	cedure
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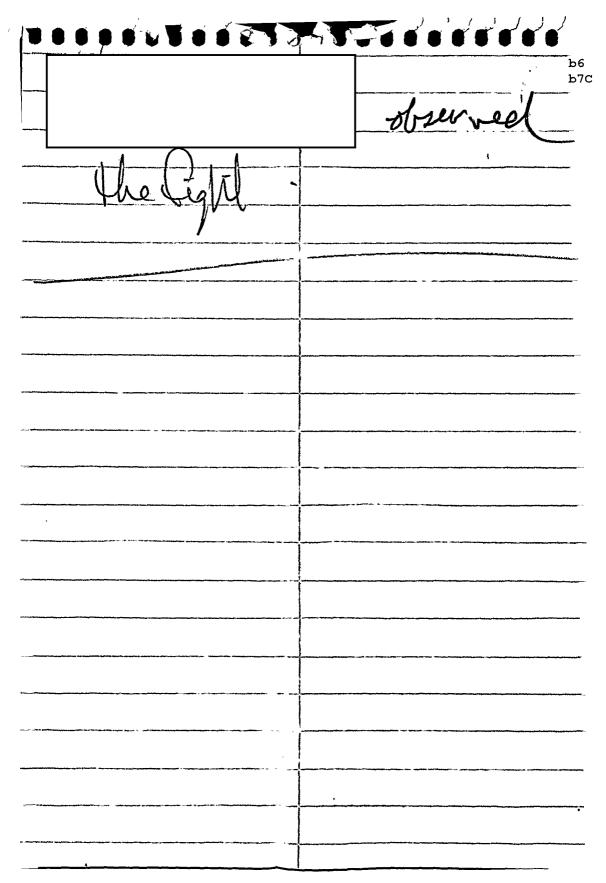
V Grene Lordon opki Evyene Yolish 6/9/3/ " Mersham Onto. Self Kingley at PLEASE TO KOT REMOVE THIS SLEE FACE EXHIBIT NY 444-3490-141 Admin Asst. Sunday 4: 430 A.M. / 64h. B.C - THA have & Kiny - walking a day Assaulles 150h. Joshed clounk = - DWM 6-3 1900 Brown Mais - w/ Moustache 25/ 21/ Juins were assaulted by about came by atte thin

and the Police immediated statling halling The two westing assume Availty escape Armeted two of you - Il Atrempted transland, Dissolute Americans. Variable Resonances! - Hit borden over thinks, 1- Treated for Polece took you to hapital after 45 mins.
Misiden Carring - Wapital - 20th of 300 But Prestal -Were Haken to Central Booking =

the Mariada Rights Booked & work Up. my - Sanday Toban to as for Call Docker: Wanted Wood Pressure P.B. 800 - A.M. but to low Cantre St. MR. Called a lawyer Mon talked to lawyer. Criminal yen are May 25, 44. Civil Rights wer Violated De Arrest O No medication in juice.

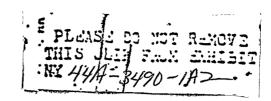


then let w/m with book a stielt. The officers than trived to get the two w/ms under control. 2 Mms started yelling obscenition at 1 the police and then the Lorden again to quiet lin. Oriental & left the premiss with another w/m Bith hursed to to the them Police Arrested London & In Police In Police for that them stated that they were been proce



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Field File No.	
00 and File No. N.Y.)-1AZ
Date Received	
From	
(NAME OF CON	TRIBUTOR)
(ADDRESS OF CO	NTRIBÚTOR)
Ву	
AME OF SPEC	IAL AGENT)
To Be Returned Yes	Receipt Given 🗌 Yes
□ No	. □ No
☐ Yes	Grand Jury Material-
. No	Disseminate Only Pursuant to Rules 6(e), Federal Rules of Criminal Procedure
Description:	edical in mse
(1) FD-465 - M	ed took
forms. signed	64 .
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Eugene Yul	lish



AUTHORITY TO RELEASE MEDICAL INFORMATION

I hereby authorize any Special Agent or other authorized representative of the Federal Bureau of Investigation bearing this release within one year of its date to obtain information available from my past or present medical records contained in any hospital, clinic or other medical facility or from any doctor, physician or examining medical official. I request that the custodian of such records in each instance permit my records in connection therewith to be examined, copied or otherwise reviewed.

I hereby release any such hospital, clinic or medical facility or any examining physician, doctor or other such qualified examiner from any liability resulting herefrom.

Full Name		
,	(Signature)	
Full Name	-	
_	(Print)	•
Parent or Guardian _ (if required)	(Signature)	
Date _	4-30-82-	
Current Address		
	NYC	
Witness (Sp /al A	Agent) /7/	
	of In stilltion	,

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AUTHORITY TO RELEASE MEDICAL INFORMATION

I hereby authorize any Special Agent or other authorized representative of the Federal Bureau of Investigation bearing this release within one year of its date to obtain information available from my past or present medical records contained in any hospital, clinic or other medical facility or from any doctor, physician or examining medical official. I request that the custodian of such records in each instance permit my records in connection therewith to be examined, copied or otherwise reviewed.

I hereby release any such hospital, clinic or medical facility or any examining physician, doctor or other such qualified examiner from any liability resulting herefrom.

Full Name	Edgne Chilish-1/h Generalin
Full Name	EUGENE YULSH WA GOVE LONDON (Print)
Parent or Guardian (if required)	(Signature)
Date	4/30/82
Current Address	10 GRANES PON DONAS SOUTH BOOK
	MC. NY (0003)
Witness (S) ial Federal F eau	3

Date Received, 5/21/2 From (NAME OF CONTR	IBUTOR)	•
By	AGENT)	
To Be Returned Yes	Receipt Given 🗌 Yes	
□ No	□ No	
Yes	Grand Jury Material	
· □ No	Disseminate Only Pursuant to Rules 6(e), Federal Rules of Criminal Procedure	
Description:		
1) Orig Notes of F interview of . [on 5/21/82.	D33	

b6 b7C Wo!

THIS SLIP FROM CHIETT NY 440-18490-143 5/21/82 - Ghis. W.Y. oramed 4:00/11. Sidery 4/20/82.

NE corner - 173 Sevent Auso
of Perry 1711 With _____.

With ____.

With ____.

With ___.

With ___.

With ___.

Wead an argum of. Didn't see who was arguing. Two Volice get out of the Can.
Two guys stinger up Fighter

Two Police - expended the Leve Contra. W/M - Skir = 5-10 W/M - 5-10" Skenny. Manuaried one of the lighter Lessing cursing geoghers got like togethe When hit is a of the lighter over the hear grad guy was pleeding.

2 guys the Beden were the third and that werd fightly X The state of the Said loch on hip loch me up From who - you see the Police du not stent My just tried te Step the Hill

they witnessed The africe the next det the w/Cp Camp in with 2 other offices in a flum.

We aid I hard ou if you show the form grade thanks stick a

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Date Received 5	*
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To Be Keturned 🔲 Yes	Receipt Given 🗌 Yes
□. No	□ No
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□ No	Pursuant to Rules 6(e), Federal Rules of Criminal Procedure
Description: (1) Carbon Copy of forms filled again	1 21 Complai :
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(2)	•

OLBS ARREST DATA ELEMENTS RUN DATE 04/29/82 RUN TIME 15:48:44	
+ # # # # # # # # # # # # # # # # # # #	
DEFENDANT INFORMATION ARREST ID: M82024766 NAME:LONDON GENE SEX:M RACE:WHITE DOB:06/09/31 AGE: 50	
AKA: CITIZEN? YES PLACE OF BIRTH OHIO	
ADDR: 10 GRAMACY PKSO NEW YORK NY RES PCT: 013 SKIN TONE: LIGHT HGT: 6-00 WGT: 165 EYE COLOR: BROWN HAIR COLOR:BLOND SOC STATUS: SINGLE SOC SEC ## DEFT/VICT RELAT: NONE PHYSICAL COND: INJ-TREATED RELEASED TYPE DRUG USED: NONE OCCUPATIONAL AREA: OTHER	
LICENSE/PERMIT-TYPE(EXC DRIVER/OPR/REG): NO: NO:	
I CALLS: NO: NAME: NO: NAME: I	
DRACLE# 01704901 NYSID# 2778844H FAX#	
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	b6
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I TETAL CHARGES N PL 120.05 03 F D 01 ASSAULT-2	
CCUNT = 04	
ARREST RELATED INFORMATION DAT? NO	
TIME 04:30 DATE 04/25/82 CMD 006 **********************************	
++++++++++++++++++++++++++++++++++++	
COMPLAINANT/UF-61/VICTIM INFORMATION I IS COMPL A CORP? NO OR PSNY? YES OR HANDICAPPED? NO TOTAL VICTIMS = 00 1	
COMPL NAME:	
ADDR: TEL NUM: () I AIDED NO: ACC NO: ACC CMO: I	
UF-61: NO:004054 CMD:006 SECTOR:BB JURISDICTION: N.Y. POLICE DEPT	
I TIME & DATE OF OCCURRENCE: 04:30 ON 04/25/82 METHOD: OTHER	
PREMISES TYPE: STREET	
ARRESTING OFFICER INFORMATION	
NAME : CMD:TPU CMD:TPU DEPT):NYPO CHART: TPU DUTY CT SQUAD: ASSN:UNIF	
OFFICER: INJUREO? NO ASSIGNED? NO ON DUTY? YES IN UNIFORM? YES USED FORCE? YES TYPE:NIGHTSTICK/BLUNT INSTR REASON:RSTRAIN/CONTRL/REMY	

313-11653

1/68 26-45408 X Short-in B=1=712-663

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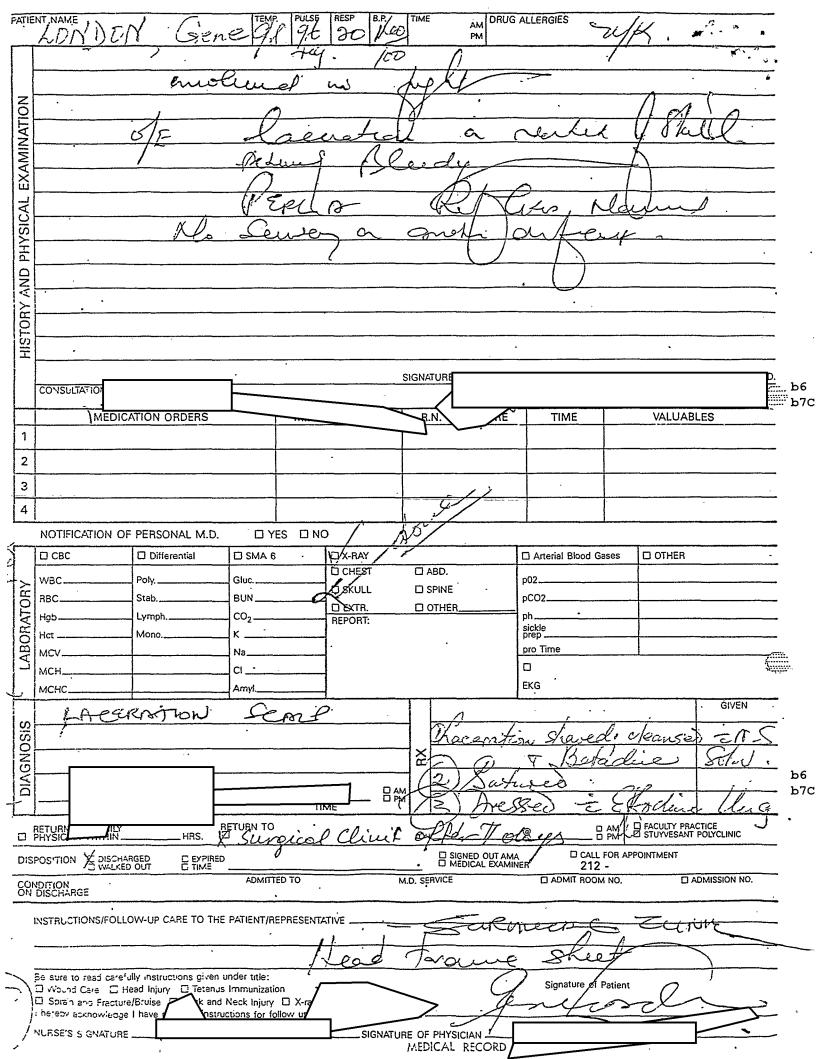
DEFENDANT'S NAME: LONDON ARREST ID: M82024766	
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ADDITIONAL DEFENDANT INFORMATION FOR PHOTOGRAPHABLE ARRESTS:	
NO VEHICLE WAS USED.	
MAKE: COLCR: YEAR:	

PHYSICAL DESCRIPTION:	
FEATURES THAT ARE PRESENT/NOTICEABLE/UNIQUE/UNUSUAL/PROMINENT	
BEARD (NO) MASKED (NO) POSTURE (NO)	
MUSTACHE (NO) POCKED FACE (NO) LIMP (NO)	
SIDEBURNS (NO) RUDDY FACE (NO) ARM/HAND MISSING(NO) WIG (NO) PIMPLED FACE (NO) LEFT HANDED (NO)	
WIG (NO) PIMPLED FACE (NO) LEFT HANDED (NO) I HAIR DYED (NO) FRECKLED FACE (NO) DRUG TRACKS (NO)	
PART BALD (NO) UNUSUAL EARS (NO) HEARING ALD (NO)	
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OFFENSE LOCATION : MOO6 ARREST BOROUGH: MANHATTAN	
DISPOSITION:	
RECORD ACCESS CODE:	•
RECORD SEALING CODE:	~
VOIDING DATA:	,
ARRESTING OFFICER COMMAND CODE: 490 = TPU	ŧ
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Field File No	
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(ADDRESS OF CO	NTRIBUTOR)
(CITY AND	TATEL
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To Be Returned 🗌 Yes	Receipt Given 🗌 Yes
□ No	□ No
☐ Yes	Grand Jury Material-
□ No	Pursuant to Rules 6(e), Federal Rules of Criminal Procedure
Description:	
(1) Medical re	ports for
Medical reg	ka. Eugene Yulish
@ Medical rep	

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EMERGENCY MEDICAL SERVICE N.Y.C. HEALTH & HOSPITALS CORPORATION	AMBULANC	EN CALLEREPORT
7.4 2582 11P A 374 818	RE BLOKUP TO ED BRANSFER	9/31 50 CAMCRECTOS 0.446
PLACE OF CALL 9 23 4 10 19	APT. #	10-63 0496
CRCSS STREETS	NATURE OF CALL	10 - 88
PATIENT NAME (LAST. FIRST) Landen, Gene	AGE SEX 23	10 - 82
PATIENT ADDRESS - 18 Graners FAK- STA. APT. #	D 16 019 243 125/	<u>U2.25</u>
ε)	COMMUNICATIONS	ARRIVE DEST 0,5 3 3
NEXT OF KIN	HOSP. #TELM	10 - 98
CHIEF COMPLAINT BILL FROM INIUMY	M.D	10 - 99. OR NEXT ASSIGN.
29-34 PATIENT HISTORY 1 Altergy 2 Gardiss 3 GOPB 4 Biabetes 5 M Hyp	artancian 6 G.Cairmoot Carroto	35 OTHER MEDICAL ASSISTANCE
8 Medication Ender 4 Habites 3 Li hyp	eirenzion o Co Serzares Cos Stroke	2 LA MOINE
9 🗆 Other		4 Police Bldg Pct. TPF
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1 2 3 4 1 2 3 1 2 3 1 2 3	3 4 5 6 1 2 3 4 5	2 Munchanged 3 D Violence 3 D Worsened 4 D Fire Related
The state of the s	OAK T. LANGER OF THE	85 Y YES PT. CLASSIFIED
86-90 PRESENTING PROBLEMS	v ☐ Fever	N. NO FOR CRITICAL CARE
A Blunt Trauma H FX/Dislocation O A. O. B. B CNS Trauma (Brain) Paralysis P Abd./Pelvic	Disorder W General Malaise	SELECTION
G Multi Trauma Indicate IN Of Cording Acro	As a second	Nearest facility (NON CATEGORIZATION)
D Penetrating Trauma K Behavioral R Chest Pain	Y OB/GYN	2 A Patient choice (10 MIN. RULE) 3 Patient condition (CATEGORIZATION)
E Poss. Sexual Abuse L Seizure S Diabetic	Z Poison/Drug INDICATE	1 '
F ☐ Soft Tissue Trauma M ☐ Shock T ☐ Diff. Breathin		5 Other (INDICATE IN COMMENTS)
G 🔲 Poss. Spinal Trauma N 🔲 Unconscious U: 🔲 Other/Unkno	own	92 NUMBER OF PTS. REMOVED
73-102 TREATMENTS UNSUCCESS 1	INSUCCESS	15577 - 1777 - 1
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C VENTILATION I M SPLINTING S	W ESOCHAGEAL INTUB. 2 2	7 MONITOR EKS 8 DEFIBRILLATION
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PERTINENT HISTORY AND CLINICAL DIAGNOSIS:

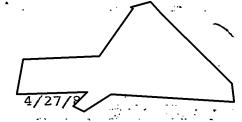
BR B

Josephen

DATE OF EXAMINATION 4/25/82

SKULL

No recent fracture is noted. The sella turcica is within norm al limits. The pineal gland is not visualized.



DEP'T. REMARKS:

ABG Zhiðs Rev 12/78

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/12/82

Dogram Indianity area with the fauth desired fletterest and l	b6 b7
	b6 b7
YULISH AQVISEQ ENAU POLICE DELICESE TARQE I	ь6 ь7
The bulle billers then took bondon and the the	ь6 b7
abbrourmacer, 2:00 bemil routhin and lugae cavett co one tran-	b6 b7
Interviewed on 4/30/82/ at New York, New York File # NY 44A-3490-2	
	b6 b7
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NY 44A-3490 2

LONI Police Officer verbally abuse	rs and	during the above booking continued to harrass	
violated becau	use both him and	ne feels his Civil Rights were falsely arres given proper medical care.	ted,
EUGE interview as f		escribed from observation	and
Plac Heig Weig Hair	: e of Birth: ce of Birth: ght: ght:	Caucasian Male June 9, 1931 Cleveland, Ohio 6'1" 165 pounds Brown TV host and designer	
interview as f		described from observation	and
Plac Heig Weig Hair Eyes	e of Birth: ce of Birth: ght: ght:		

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FD-302	(rev.	3-8-77)

FEDERAL BUREAU OF INVESTIGATION

1	Date of transcription 5/14/82
	Sergeant , Civilian Complaint Review Board, New York City Police Department (NYCPD), furnished the following records from his files which are attached and made a part hereto.
	1. Complaint filed against
	2. Complaint filed against EUGENE YULISH, also known as (aka) Gene London.

Interviewed on 5/4/82	at New York, New York	File # NY 44A-3490-3
By SA		Date Dictated 5/10/82

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b6 b7C FD-302(rev.3-8-77)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/14/82	
was advised of the identity of Special Agent (SA) who identified himself as a SA of the Federal Bureau of Investigation (FBI). He was advised he was being interviewed as a witness to an alleged Civil Rights violation involving the arrest of EUGENE YULISH, also known as (aka) Gene London and by Officers Badge Number and Badge Number He was advised that any information he furnished could be used in a court of law. furnished the following information:	
On April 25, 1982, he was arrested by Police Officers and for and was being transported to the 6th Precinct for booking when the police officers observed a fight on 7th Avenue. They immediately stopped their patrol car and walked over to the location of the altercation.	
remembered that he observed an oriental man punching a white male while sitting on top of him. advised that Officer pulled the oriental male off the white male using his night stick.	
At that time a second white male who immediately identified himself as GENE LONDON ran over to Officer and grabbed night stick. Police Officer told LONDON to drop his night stick but LONDON held on to it while he yelled at Officer Officer then came to assistance and hit LONDON on the head with his night stick.	
At this time the second white male who had been lying on the ground rushed toward Officer velling at him to stop hitting his friend (meaning LONDON). Officer then hit the second white male over the head with his night stick.	
further advised that the two police officers tried to get the two white males under control, but the two white males continued to yell obscenities at the officers. LONDON a second time.	
viewed on 5/4/82 at Bronx, New York File # NY 44A-3490-4	_
Toward on 37 47 69 ac Bronky New York ITEC W RI 4411 3430 9	
	was advised of the identity of Special Agent (SA) who identified himself as a SA of the Federal Bureau of Investigation (FBI). He was advised he was being interviewed as a witness to an alleged Civil Rights violation involving the arrest of BUGENE YULISH, also known as (aka) Gene London and by Officers Badge Number and Badge Number He was advised that any information he furnished could be used in a court of law. furnished the following information: On April 25, 1982, he was arrested by Police Officers and for and was being transported to the 6th Precinct for booking when the police officers observed a fight on 7th Avenue. They immediately stopped their patrol car and walked over to the location of the altercation. Punching a white male while sitting on top of him. advised that Officer pulled the oriental male off the White male using his night stick. At that time a second white male who immediately identified himself as GENE LONDON ran over to Officer and grabbed night stick. Police Officer told LONDON to drop his night stick but LONDON held on to it while he velled at Officer Officer then came to assistance and hit LONDON on the head with his night stick. At this time the second white male who had been lying on the ground rushed toward Officer yelling at him to stop hitting his friend (meaning LONDON). Officer then hit the second white male over the head with his night stick.

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NY 44A-3490 2

advised that while all the above was going on the oriental male with an unknown white male, both dressed in suits and ties, walked away from the altercation.

stated that Police Officers and then arrested the two white males that were causing the disturbance and placed them in the patrol car. further advised that there were a number of people observing the above altercation that took place in front of a chinese restaurant named the "Wok" on 7th Avenue and believes the above altercation.

-4-

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TRAN IA:	PRECEDENCE:	CLASSIFICATION:	
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T Facsimile	☐ Priority	☐ SECRET	
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<u>:</u>	• .	☐ UNCLAS	
•	•	Date 5/13/82	
	ACTOR AND HOLD AND YEAR WAS USED AND AND AND AND AND AND AND AND		
To: Director, FB: From: SAC, NEV)		ATTENTION: CRIMINAL INVESTIGATIVE DIVISION CIVIL RIGHTS SECTION P) (M-11) DOMESTIC SECURITY AND TERRORISM SECTION	
Gubject: POLICE OF NUMBER		BADGE CRIMES SECTION	1
POLICE OF V NEW YORK	FICER (FNU) CITY POLICE DEPAI	RTMÉNT.	
	- VICTIM:		
CIVIL RIG (00:NY)	IISH, aka Gene L HTS	ondon - VICTIM	STUTY PROPERTY AND ADMINISTRATION OF THE PROPERTY A
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ACTION: UA	CB:		
	No further action being		
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1 - New York	Preliminary investiga		No. 3
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NY 44A-3490

On 4/30/82, EUGENE YULISH, aka Gene London and came to the NYO of the FBI and alleged that on 4/25/82, Police Officers and 6th Precinct. New York, New York, assaulted them. YULISH advised that he and were walking their dog on 7th Avenue when two Unsubs started assaulting them. Five minutes later, when Patrolmen and observed the above scuffle, they jumped out of their patrol car and immediately started hitting complaintants with their night sticks, allowing the two Unsubs to escape. YULISH and advised that they received extensive beatings from the two Patrolmen and were treated at Mother Cabrini Hospital, New York, New York.

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FD-302(rev.3-8-77)

FEDERAL BUREAU OF INVESTIGATION

1	Date of transcrip 6/1/82	tion
	On May 19, 1982 Police Officers Badge Number came to the New York Office (NYO) of the Federal Bureau of Investigation (FBI)	ber
	accompanied by their Attorney whom advised that	•
	his clients would not make any statements at this time concerni	ng on
	April 25, 1982.	

Interviewed on 5/19/82 at New York, New York

By SAS

Date Dictated 5/25/82

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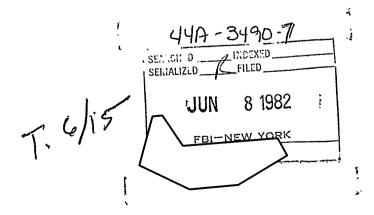
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Memorandum



TO : SAC 44-3490	Date 6/8/82_
From: Sugu.	
Subject: Police Office (FNV) Budge Number et al	
- Victim	
Eugene Yulish - Victor	
CR	
OU: NY	

Ple NY FD-365 5/13/82. Submit report to Bureau with investigative results.



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FD-263 (Rev. 7-15	-75)			
The same of the sa	FE RAL BUREA	U OF INVES	rigation	
Reporting Office NEW YORK	Office of Origin	Date 6/21/82 	Investigative Period 4/30/82 - 5/19/82	,
TITLE OF CASE CHANGED		Report M	ade By Typed	b6
POLICE OFFICER NUMBER POLI	, BADGE CE OFFICER			ь70
. BADGE NU VI YULISH, aka Gene	CTIM; EUGENE	CHARACTE	R OF CASE GHTS	
OO:NY				
	rked "Changed" to re Number , and	flect true	names and badge numbers of Badge Number	 b6 b70
REFERENCE				7.0
Nyairtel	to the Bureau, date	d 5/13/82.		
		-P-		
ACCOMPLISHMENTS CONVIC. PRETRIAL	CLAIMED [] NONE	GS RECOVER	ACQUIT- CASE HAS BEEN: IES TALS Pending over 1 years	 ear
DIVERSION		- -	[] yes [] no Pending pros. ove	
APPROVED	SPECIAL AGE	i NT		no
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2- Bureau 1- USA, SDNY				-
(Attn: WILLIA) New York (44A-		j	• ¶ • • • • • • • • • • • • • • • • • •	
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Dissemination Rec	ord of Attached Repo	rt	Notations	
Agency			444-3490 8	
Request Recd.			SERIALIZED INDEXED SERIALIZED FILED	
Date Fwd.			JUN 2 2 1982	b 6
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NY 44A-3490

ADMINISTRATIVE

On May 3, 1982, Lieutenant
Lieutenant, Tactical Patrol Unit, Flushing Meadows, Queens, New
York City Police Department (NYCPD) was advised a Civil Rights
investigation has been instituted.
On May 4, 1982, Executive Director,
Civilian Complaint Review Board, NYCPD, was advised that a Civil
Rights investigation has been instituted.
On May 3, 1982,
Medical Records, Mother Cabrini Hospital, New York, New York was
given two FD-465's "Authority to Release Medical Information" for
release of medical records of and EUGENE YULISH,
also known as (aka) Gene London.
On May 4, 1982, Sergeant , Civilian
Complaint Review Board, NYCPD, provided the New York Office (NYO)
of the Federal Bureau of Investigation (FBI) with copies of
complaints filed against and EUGENE YULISH, aka
Gene London.
GCNE BONGON.
On May 19, 1982 Police Officers and
NYCPD, came to the NYO of the FBI accompanied by their
Attorney who advised that his clients would not
make any statements.
make any scatements.

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LEADS

NEW YORK

AT NEW YORK, NEW YORK. Upon receipt of medical records will interview appropriate officials at Mother Cabrini Hospital and forward results to the Bureau.

2. Upon receipt of photographs taken by victims on April 25, 1982 will submit same to Bureau.

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION

copy 10:		
Report of Date:	5/21/82	Office: New York, New York
Field Off	ice File #: 44A-3490	Bureau File #:
Title:	POLICE OFFICER OFFICER POLICE DEPARTMENT, VICTIM	BADGE NUMBER ; POLICE BADGE NUMBER ; POLICE NEW YORK CITY -VICTIM; EUGENE YULISH-

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Character: CIVIL RIGHTS

Synopsis: Victims interviewed. Subjects declined to be interviewed. Witness interviewed. Police reports obtained from the New York City Police Department. Indices on victims and subjects negative. Arrest checks in New York on victims negative.

-P-

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DETAILS:

This is a preliminary investigation.

Predication

Investigation was instituted upon receipt of a complaint from EUGENE YULISH, also known as (aka) Gene London and on April 30, 1982.

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2.	Victims Interview	4,5
3.	Witness Interview	6,7
4.	Subjects Interview	. 8
5.	Police Reports of Incident	9,10,11
6.	Field Office File Review	12
7.	Tdențification Records of Victims	13
8.	List of Persons to be Notified	14

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FD-402(300.3-1-77)

FEDERAL BUREAU OF INVESTIGATION

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		·
1		Date of transcription 5/14/32
f	Sergeant Civilian Civilian Card, New York City Police Department (NYCPD following records from his files which are at part hereto.	n Complaint Review), furnished the tached and made a
	1. Complaint filed against	
(2. Complaint filed against EUGENE (aka) Gene London.	YULISH, also known as
		•
,		
		·
	•	
	•	•
	ewed on 5/4/22 at New York, New York	File # NY 44A-3490

Date Dictated 5/10/02

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NY 44A-3490

On May 4, 1932 the records of the New York City Police Department (NYCPD) were checked for and EUGENE YULISH, also known as (aka) Gene London with negative results.

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-12-

NY 44A-3490

Results of indices search on subjects and and victims and EUGENE YULISH negative.

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-/3-

The following is a list of names and addresses of individuals to whom a letter from the United States Department of Justice should be directed:

1. Commanding Officer, Tactical Patrol Unit, Finshing Meadow Press Building, Flushing Meadow Park, Queens, New York.

2. Executive Director, Civilian Complaint Review Board, New York City Police Department (NYCPD),

200 Park Avenue South, New York, New York, 10003.

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3. Police Officer SUBJECT, Tactical Patrol Unit, Flushing Meadow Press Building, Flushing Meadow Park, Queens, New York.

4. Police Officer SUBJECT, Tactical Patrol Unit, Flushing Meadow Press Building, Flushing Meadow Park, Queens, New York.

5. GENE LONDON-VICTIM, 10 Gramercy Park South, First Floor, New York, New York:

44A-3490-9
SERIALIZED L.
INDEXED FILED

N. C. A.

2 (REV. 3-8-77)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription

Medical Records,

Cabrini Medical Center, 227 East 19th Street, New York, New York,

provided the following medical records concerning the treatment

of _______and EUGENE YULISH, also known as (aka) Gene

London, which are attached and made a part hereto.

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Inves5/224/82 at New York, New York File # NY 44A-3490

by SA Date dictated 5/24/82

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-58 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription	
Queens, New York, was advised of the identity of Special Agent (SA) who identified himself as an SA of the Federal Bureau of Investigation (FBI). He was advised he was being interviewed as a witness to an alleged civil rights violation involving the arrest of EUGENE YULISH, also known as (aka)Gene London, and by Police Officers Badge Number and Badge Number both of the New York City Police Department (NYCPD), on April 25, 1982. He was advised that any information he furnished could be used in a court of law. furnished the following information:	
At approximately 4:00 AM on April 25, 1982, he was in the Wok Chinese Restaurant, 173 7th Avenue South, New York, New York, where accompanied by and when he heard arguing going on in front of the restaurant. At that time, he did not notice who was arguing A while later, heard a banging on the restaurant windows, and at that time, he noticed two White males, first male approximately five feet ten inches, thin build, and the second male, approximately five feet ten inches, thin build, fighting with each other.	-
then observed a police car pull up in front of the restaurant and noticed two uniformed police officers, one a White male, the second a Black male, exit the patrol car and walk over to where the fight was.	
stated that the two police officers stepped between the two fighting men and separated them. The two men then started yelling at the officers at the same time they tried to continue their fight with each other.	
stated that the two unknown males then pushed themselves together and resumed the fight when the White police officer hit one of the fighters over the head then noticed that the second fighter was also bleeding from the head but did not notice who caused that wound.	
5/21/92 Now York Nov York Nov 2400	; 1
SA New York, New York File # NY 44A-3490 - 5/21/82	<i>[</i>

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NY 44A-3490

further advised that the two guys that were bleeding, were the same two guys that were fighting against each other, and from what he observed, the police acted only to break up the fight.

date of birth was observed to be five feet four inches, 130 pounds, who exhibited no physical or mental impairments, which could prevent his recalling the details of the incident.

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_EĎ-302 (REV. 3-8-77)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/28/82	
Registered Nurse, Cabrini Medical Center, 227 East 19th Street, New York, New York, was advised of the identity of Special Agent (SA) who identified himself as an SA of the Federal Bureau of Investigation (FBI), and that she was being interviewed concerning her medical treatment and personal observations of EUGENE YULISH, also known as Gene London, and on April 25, 1982.	ь6 ь70
She was also advised the interview was desired in connection with an investigation into an allegation of excessive use of force involving the arrest of EUGENE YULISH and on April 25, 1982 by Police Officers and of the New York City Police Department (NYCPD). She was advised that any information she furnished could be used in a court of law.	ь6 ь7С
advised that she remembered the above incident because both YULISH and kept cursing at the two police officers, and accusing them of beating them. further stated that the two police officers remained quiet and said nothing about the incident.	ь6 ь7С
further advised that she remembered EUGENE YULISH because he was very pleasant, and the older of the two gentlemen who needed treatment.	ь6 ь7С
YULISH had a gash on his head that required a number of sutures. The second gentleman, , who continued to curse at the two police officers, was treated for lacerations of the scalp, but she did not remember whether he received any sutures.	b6 b70
stated that Doctor treated both YULISH and and that he would be able to better comment on their physical condition.	b6 b7С
·	
5/25/82 BROOKLYN, NEW YORK NY 44A-3490-12	b6 b70
SA 5/22/82	
Date dictated	

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Fi-302 (REV. 3-8-77)

FEDÉRAL BUREAU OF INVESTIGATION

•	PEDENAL BOILEAGOI INVESTIGATION	
, #I		
Å -	Date of transcription 7/2	0/82
		_
	, Attorney,	b'
la sialima VIII	New York, New York 10013, attorney for	
the victims YULI the Federal Bure	ISH and provided the New York Office of eau of Investigation (FBI) with:	
	ne (1) sheet of photographs of victims injuries	;
aken on April 2	25, 1982.	
	37 page "Notice of Motion" presented to the Dice, County of New York on June 18, 1982.	strict
3 3-	. O Un to Definitude Metion to Dism	
	n 8 page "Response to Defendants Motion to Dism of Justice", filed June 30, 1982 by Assistant	ITSS
District Attorne		York b
County.		b
4. A	worksheet of five written pages of comments he	1
	above response.	'
ine ar part hereto.	bove documents 2,3, and 4, are attached and mad	e a
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	•	
igation on 7/16/82	at New York, New York File * NY 44A	<u>-3490-13</u>
		be
SA	7/16/0	b'
		<u> </u>

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FEDERAL BUREAU OF INVESTIGATION

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REPORTING OFFICE NEW YORK	OFFICE OF ORIGIN NEW YORK	SEP 1 0 1982	5/20/82 - 7/19/82	
	CE OFFICER OGE;VICTIM; A Gene London-VI			b6 b70
REFERENCE NYairte	to Bu, 5/13/82	. Nyren to Bu	6/21/82	
		-P-	0, 21, 62.	
ADMINISTRATIVE				
Several at Cabrini	attempts were m Hospital with ne	ade to locate gative results	and interview Doctor	b6

			COMPLISHMENT	TS CLAIMED	☐ NONE	:	ACQUIT-	CASE HAS BEEN:	_
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COVER PAGE

NY 44A-3490

LEAD

NEW YORK

Doctor AT NEW YORK, NEW YORK. Continue attempts to locate at Cabrini Hospital.

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2. Get AUSA's prosecutive opinion.

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION

Report Date:		0 1982				Office:	NEW	YORK,	NEW	YORK
Field C	Office File #:	44A-3490)			Bureau I	File #:			
Title:		OFFICER OFFICER	AKA	CTIM;	GE BADGE 1-VICTI	sasperner M				

Character: CIVIL RIGHTS

Synopsis:

Copy to:

Photographic worksheet forwarded to Federal Bureau of Investigation Headquarters (FBIHQ) for processing.

Attorney for the victims provided photograph worksheet and copies of defense motion and District Attorney's response. Witness interviewed. Medical records for victims obtained. Attending nurse interviewed. Police records of victims obtained.

b6 b7C NY 44A-3490

DETAILS

This is a Preliminary investigation.

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CRIMINAL COURT OF THE CITY OF NEW YO COUNTY OF NEW YORK: PART AP5	RK	
	-X	
PEOPLE OF THE STATE OF NEW YORK,	: ,	
-against-	: NOTICE OF MOTION	
GENE LONDON,	: Docket No. 2N026990	
Defendant.	:	
	-X	
•	•	
SIRS:		•
PLEASE TAKE NOTICE	that upon the annexed affidavits	
of GENE LONDON, the defendant herein		b6
		b7C
	he 18th day of June, 1982, to-	
gether with all the pleadings and pr	_	
the undersigned will move this Court		
100 Centre Street, City, County and	State of New York, on the 30th	
day of June, 1982, at 9:30 A.M., in	the forenoon of that day, or as	
soon thereafter as counsel can be he	ard, for the following relief:	
1. For an order di	smissing the complaint in the	
interest of justice, pursuant to §17	0.40 of the Criminal Procedure	
Law.	•	
Dated: New York, New York June 18, 1982		
TO: HON. ROBERT M. MORGENTHAU District Attorney of New York County (A.D.A. 1 Hogan Place New York, New York 10013	Yours, etc.	ь6 b7С

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CRIMINAL COURT OF THE CITY OF NEW COUNTY OF NEW YORK: PART AP5	YORK			
PEOPLE OF THE STATE OF NEW YORK,	X			
-against- GENE LONDON, Defendant.	AFFIDAVIT Docket No. 2N026990 :			
STATE OF NEW YORK) COUNTY OF NEW YORK)				
	duly sworn, says: ndant herein, and I have been			
charged with the violations and crimes of Disorderly Conduct, Harassment, Obstructing Governmental Administration, and Resist-				
ing Arrest allegedly committed on the 25th day of April, 1982. At least that is the present complaint against me, sworn to on May 25, 1982 before the HON. IRVING LANG, by Police Officer Shield #				
	ve been informed by my attorney in Night Court on April 26,			
1982, the complaint against me signed and sworn to by the same Police Officer was Resisting Arrest, Disorderly Conduct, and Attempted Grand Larceny in the 3rd Degree. This variance				

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in complaints will be discussed at greater length in the affidavit of my attorney, which is being made in support of this motion. The facts and circumstances surrounding the 3. bringing of the various charges enumerated above, were as follows: In the early hours of the morning of Sunday, April 25, 1982, my associate, and myself, decided to leave my residence at 10 Gramercy Park South, N.Y.C., where I own a cooperative apartment, to take a walk and for a bite to eat. It was an extremely mild spring day, unlike the weekends we have had recently in the City of New York, and both and I were dressed casually in denim jeans and denim shirt jackets. We had with us my dog who sometimes responds to her name, MOODIE. We walked to the well known pizzeria - RAY'S - , at 12th Street and Avenue of the Americas, and to our surprise found the premises closed. We then decided to continue walking in Greenwich Village, keeping our eye open for another possible eating place. When we arrived at Perry Street and Seventh Avenue, much to our surprise two men, modishly dressed, rushed across Perry Street and made insulting and derogatory remarks to my friend and myself, as being "faggots" and similar statements. When responded to the effect that they should mind their own business, one of the men

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and simultaneously hit him a blow on the side of his

pushed

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face which caused them to start a scuffle. I attempted to intervene and to separate them, and much to my surprise, the second man started to pull me and strike me and as I bent over to assist to his feet, a police car drew up to the scene, two officers rushed out, and without further adieu, proceeded to strike me over the head with a nightstick severing an artery under my scalp, and cuasing me to bleed profusely, and when I attempted to ward off any further blows, I was seized, my hands placed behind my back, and handcuffs were put on me. At the same time, the other officer proceeded to help my campanion, to his feet, and just before he was able to arise and straighten out, hit him a blow in the middle of his head, lacerating his scalp and causing him to bleed. Annexed, hereto, as Exhibit "A", and made a part hereof as though herein set forth in full, are photographs taken of and myself the day after our release from Court, April 27, 1982. The original of these photographs will be submitted to the Court for inspection.

both were placed in the Squad Car with another prisoner who had been previously arrested/by the police offiers. No attempt had been made to detain either of the two assailants, and they took off. When we got to the police station - the 6th Precinct - presently located at 233 W. 10th Street, N.Y.C., but still known as the "Charles Street Stationhouse", the police refused to listen to my attempts to identify myself and

to give them some idea of my background, and finally, relunctantly,				
they made a call to my accountant,				
in the immediate vicinity at				
, N.Y.C., to come to the stationhouse and take				
custody of my poor frightened dog, which he did. saw me				
and in the police station with our blood spattered cloth~				
ing, and I believe we were still bleeding from the head wounds. His				
affidavit is herewith annexed and made a part hereof.				
6. Thereafter, we were taken by the police to the				
Mother Cabrini Hospital, located at 227 East 19th Street, N.Y.C., where				
`sutures were put in my scalp and that of and some of the				
blood was cleaned from our faces and heads, and we then returned to				
the stationhouse.				
7. We were moved from the stationhouse to a place				
I understand is called "Central Booking", and then, although it was				
•				
the early hours of the morning of Sunday, the 25th, no effort was				
made to get us to Court that day, and we were removed from "Central				
Booking" at about 2 P.M., and taken to the 26th Precinct in Harlem,				
at 500 West 126th Street, where we remained overnight.				
8. Finally, on Monday, the 26th of April, we were				
brought from the 26th Precinct to 100 Centre Street, N.Y.C., and at				
approximately 11 o'clock in the evening of the 26th of April,				
and myself were arraigned before the HON. BUD GOODMAN, Judge				
of this Court. JUDGE GOODMAN questioned the District Attorney and				

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the police officer as to the theory supporting the charge against me of "Attempted Grand Larceny - 3rd Degree", a copy of this complaint, which was signed and sworn to before JUDGE GOODMAN the night of April 26th, is hereto annexed as though herein set forth in full, as Defendant's Exhibit "B". The dialogue between JUDGE GOODMAN, the Assistant District Attorney, and Police Officer developed that the Attempted Grand Larceny Charge was founded upon my seizing the nightstick in an effort to protect myself from being struck further by Officer and that although the nightstick's value was a questionable \$12.00, the Grand Larceny theory was developed as an attempt at a theft "from the person" of Police Officer has advised me that apparently the original booking was even worse in that the fingerprint record attached to my file indicates that I was arrested for a "Violent Felony", to wit: "Attempted Robbery", namely violation of Sections 110/160.10 of the Penal Law.

9. Both and myself have been personally examined by private physicians, and the findings will be submitted at the time of the return of the motion.

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PERSONAL BACKGROUND

Marquis "Who's Who In The East", I was born June 9, 1931, in the City of Cleveland. My father's name was ISADORE YULISH, and my mother's maiden name had been MINNA SCOTT. My father was in the retail produce business. I was the second of four sons resulting from the marriage of my father and mother. I attended public school in

Cleveland until 1947 when my parents moved to Miami, Florida. accompanied them and eventually graduated from the Miami Béach High School. I attended the University of Miami for one year in a Liberal Arts course, and then started working in radio as an actor. My acting career really started as a puppeteer. My first appearance in connection with a puppet show was on WOR in a show known as "Little Tom Tom", on which show I not only acted in, but I also wrote. From that I went with at NBC. where we were for about two years. I, together with put on a puppeteer show. After that, I appeared on ABC, Channel 7, in New York, on a show known as "Tinker's Workshop", and subsequently I was with CBS in Philadelphia in a show appearing on their station WCAU-T.V, for twenty-three years. It was a children's show, I was the host, principal writer and directot of the show. As you can see from the item in 'Who's Who in the East", I have performed and lectured at the Museum of Modern Art and I am known as an authority on my good friend, the late WALLT DISNEY, and animation films in general. I presently lecture, sporadically, at the New School For Social Research in the Film Department being an instructor in the Art of Animation-Walt I continue to give lectures, sporadically, at the Museum of Modern Art and the Philadelphia Museum of Art, and I have appeared at various museums and schools throughout the country. Some of my lecture work is Pro Bono, and most often,

b6 b7C I have received honorariums and fees for my expenses and appearances.

ing, together with various interests I have in real estate in the area of the City of New York. I presently own my own apartment in a co-op at 10 Gramercy Park South, N.Y.C. Over twenty years ago, my accountant, and myself, invested in a townhouse in the Chelsea District at , N.Y.C. at which address we rented most of the premises and received income therefrom. The premises have been sold, and we are presently receiving interest and payments on account of principal from a Purchase Money Mortgage we took back when we sold the premises.

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12. I have used the name of GENE LONDON in connection with my professional work as being a much simpler name for the public to recall. Annexed hereto, as Exhibit "C" and made a part hereof, as though herein set forth in full, is a news release issued by the Philadelphia Museum of Art, and released on December 10, 1980, concerning a series of lectures presented by me, and although it was free to the public, the cost of the lectures and the fees of the lecturers were underwritten by the Mutual Assurance Company, and the Hosiery Corporation of America. I am also annexing, as Exhibit "D", an excerpt from the 1975 catalog of the New School for Social Research con-

cerning my lectures there about animated cartoons and WALT DISNEY.

I have appeared at the New School since then, on an individual lecture basis.

13. I am reasonably certain that I am the first	
member of the YULISH family who has ever been arrested and charged	
rith any crime. My brother	,
s a practicing lawyer of excellent reputation in the City of	•
Cleveland, Ohio.	

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I have, at all times, attempted to conduct myself as a law abiding citizen. I submit the fact that I have recently celebrated my 51st birthday, having lived in urban communities such as Cleveland, Miami, Philadelphia and New York City without ever being charged with any violation of law, testifies to my law abiding nature and general peacefulness. The charges that have been made against me have upset me greatly, perhaps even more than the severe physical assault upon my person, although it is vertually impossible to describe the effect of a blow in the middle of your skull by a hefty police officer with a heavy hardwood mightstick. I have agonized over the reason for the police taking the violent action against and myself, and disregarding the two men who had assaulted us, and the only explanation I have been able to arrive at, is the fact that the other two men were dressed formally with jackets and ties, while and I were casually attired.

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WHEREFORE, I respectfully pray that this Honorable Court grant my motion to dismiss the charges against me, for all of which no prior application has been made.

GENE LONDON

Sworn to before me this 18th day of June, 1982.

ALLAN D. MANTEL Notary Public, State of New York No. 31-4647116

Qualified in New York County
Commission E::pires March 30, 1983

CRIMINAL COURT OF THE CITY OF NEW YOR COUNTY OF NEW YORK: PART AP5	RK .			
	-x			
PEOPLE OF THE STATE OF NEW YORK,	: '			
-against-	: <u>AFFIDAVIT</u>			
GENE LONDON,	: Docket No. 2NO26990			
Defendant.	:			
***************************************	-X			
STATE OF NEW YORK)) ss: COUNTY OF NEW YORK)				
being	g duly sworn, says:			
1. I am a	and conduct my			
business under the name of				
, in the City, County and State	e of New York. I reside at			
the same address, and I own the building in question. I am a				
honorably discharged veteran of World War II, and have never				
been arrested or convicted of any crime, offense, or violation.				
I have known the defendant GENE LONDON for over 25 years, both				
professionally and socially. At one time he and I owned the				
townhouse located at	in the City and			
County of New York, where each of us had apartments of our own				
and rented the balance of the premise	es. In the 20 odd years I			
have known CENE I have never known b	nim to be assaulted or dis-			

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posed to act in an violent manner, nor have I ever heard anyone mention the fact that he was of an assaultive nature.

In the early hours of the morning of Sunday, April 25, 1982, I received a telephone call from the 6th Precinct and was informed that my good friend GENE LONDON had been arrested and requested that I come to the police station. After recovering from the shock of hearing that GENE had been arrested, I managed to get dressed and get over to the stationhouse which is in the immediate vicinity I was shocked when I walked into the stationhouse and saw GENE bloodied likewise dripping with blood. and his co-defendant, There was an ambulance attendant standing in the stationhouse, GENE was pleading that he be released, attempting to tell the Desk Sergeant and the officers assembled that he was not the had been the victims of an aggressor, but that he and unwarranted assault by two civilians, and then by two police officers. He attempted to explain his background in the T.V. industry and his prior good record, all to no avail. I noticed a police officer, whom I later learned to be the arresting officer, standing and smiling in a supercilious manner as though he were enjoying the plight and desperation of both GENE LONDON and His attitude seemed to me to be a form of paranoia, although I do not profess to be a professional psychiatrist or psychologist. I managed

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to take the dog from the stationhouse, and to the best of my recollection, before I left there, the police had finally acceded to the request of GENE LONDON and for medical attention and they were taken to Mother Cabrini Hospital. 3. I sent a telegram to Police Commissioner ROBERT J. MC GUIRE complaining of the obvious excessive use of force on a man of MR. LONDON's age and physical capacity, and the impropriety of the arrest of MR. LONDON and Thereafter I received a communication from the Civilian Review Board and I furnished them with the details that I knew. In the interim, I got in touch with 4. the only lawyer I knew, since he had handled various real estate matters for me and for GENE, including the sale of Although the premises on is not and does not profess to be familar with the practice of law in the criminal field, he appeared at the arraignment in the late evening of Monday, April 26th, and was shocked both at the physical condition of the defendants GENE LONDON and and the temerity and brazenness of the police and the prosecuting attorney to attempt to justify the arrest of GENE LONDON by charging him with a "felony", namely the attempt to commit the crime of Grand Larceny, it being alleged that GENE had attempted to get possession of the

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nightstick of Police Officer

5. MR. LONDON's present attorney,						
has informed me that this is set forth in detail in						
the affidavit of MR. LONDON, including the dialogue between the						
presiding Judge, JUDGE GOODMAN, the Assistant District Attorney						
present, and Police Officer						
6. I was present at the arraignment and, as						
a lay person, it shocked my conscience to hear a prosecuting						
attorney attempt to justify the arrest and assault on GENE						
LONDON with the excuse that he had attempted to commit the crime						
of Grand Larceny of a nightstick less than \$20.00 in value when						
he attempted to defend himself and from being brutally						
and unjustifiably struck and assaulted.						
7. Since my complaint to the Police Commissioner,						
ROBERT MC GUIRE, and response from the Civil Review Board, I have						
received several telephone calls from an Assistant District Attorney						
by the name of As of the time I spoke with						
the attorney for GENE LONDON and . I had not as yet						
spoken with or any other Assistant District Attorney.						
If, between the time of the dictation of my affidavit, and the						
return of the motion herein, I might have occasion to speak with						
any Assistant District Attorney, I wish to assure the Court that						
the only thing I could and would tell them was that, in my opinion,						
the charges made, and the excessive force used on two law abiding						

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citizens, GENE LONDON and, was improper, unnecessary,
and any charges made against them should be dismissed. In fact,
in my humble opinion, they should be COMPLAINANTS and not defendants.
WHEREFORE, I respectfully join in the prayer and
request of GENE LONDON andthat the complaints against
each of them be dismissed in the Interest of Justice.
Sworn to before me this
18th day of June, 1982.
A MA
g is mann
Rotary Public, State of New York
NO. 31-4047
Qualified in New York County Commission Engires March 30, 1983

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RIDER TO AFFIDAVIT, SWORN TO JUNE 18, 1982
by, having read the affidavit prepared, has added the following:
1. At the Criminal Court Building, prior to MR. LONDON's arraignment, I questioned Police Officer in b6 b70
the hallway of the building as to what happened to the other two parties who had assaulted MR. LONDON and He informed
me that they had gotten away. I asked him if he made any attempt to locate them, and his answer was "no".
2. From the reaction in the stationhouse, I asked him if the two people who originally assaulted MR. LONDON b7c
and to coin a phrase, were "fag-bashers", because they were succeeded by two additional "fag-bashers" in the uniform
of the City of New 1 York Police Department. Both officers are from the Tactical Patrol Force. These are the "Gestapo" riot breaking
police. In the stationhouse with MR. LONDON and, dripp-ing with blood, and pleading for mercy and understanding, I watched
the police officer's face. It is my belief that this officer needs psychiatric care.

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3.

the 6th Precinct, CAPT.

I have subsequently spoken to the Captain of

, who is unhappy with the arrest

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in his stationhouse, and said to me, over the phone, "MR. LONDON and were improperly booked."

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Sworn to before me this 18th day of June, 1982.

Notary Public. State of New York
No. 31-4C47116
No. 31-4C47116
Qualified in New York County
Commission Expires March 30, 1983

CRIMINAL COURT OF THE CITY OF NEW YOR COUNTY OF NEW YORK: PART AP5	K
	x
PEOPLE OF THE STATE OF NEW YORK,	* · ·
-against-	: AFFIDAVIT
GENE LONDON,	: Docket No. 2NO26990
Defendant.	:
	x
STATE OF NEW YORK)) ss:	
COUNTY OF NEW YORK)	
	being duly sworn, says: b6
1. I am an attorne	y at law, duly admitted to
practice in the State of New York, and	I have been retained as
the lawyer for the defendant herein.	
·	*
2. I have been adv	ised by an b6 b7c
attorney at law in the City of Clevel	and, and an associate of
, the brother of	the defendant, that he had
attempted, telephonically, to effect	a disposition with Assistant
District Attorney , and	that he had been advised by
that it would be a barga	in if the defendant pleaded
guilty to the offense of Disorderly Co	onduct, and paid a fine of
\$250.00. Never having heard of the p	rovision of our Criminal Pro-
cedure Law for the Adjournment of a M	isdemeanor Charge in Contempla-

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tion of a Dismissal, advised the defendant to accept the "extremely generous offer" of the prosecutor.

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- 3. That when the defendant appeared before the HON. IRVING LANG, without counsel, on the 25th day of May, 1982, and attempted to plead guilty, JUDGE LANG, protecting the interests of the defendant herein, refused to accept the plea without the herein defendant/represented by an attorney at law, and adjourned the matter to the 3rd day of June, at which time I appeared and filed a Notice of Appearance as the lawyer for the defendant herein. I have gone over the facts surrounding the arrest, booking, and original arraignment of the defendant. Not only have I found them fascinating, but most unusual.
- 4. The attempt to pin a title of "violent felony offender" on this defendant by reporting his arrest, among other things, as being "for attempted robbery in violation of Sections 110 and 160.10 of the Penal Law" under the circumstances described by both the defendant and the complaint of the Police Officer, is not only unusual, but I submit reprehensible. The description of what must be considered an amended or superceding complaint, sworn to May 25, 1982, before the HON. IRVING LANG, which, among other things, alleges that the "defendant, with intent to cause public inconvenience, annoyance or alarm, of wrecklessly creating a risk thereof, engaged in a physical altercation with an

unidentified male" is some of the most creative writing by a prosecutor that I have read in over 54 years of active practice in the criminal law field in the City and State of New York. Likewise, the paragraph of the current complaint, charging the defendant "with intent to harass, annoy or alarm deponent * * * * in that defendant tried to pull deponent's nightstick from deponent's hand" likewise is creative writing, plus apparently contradictory to the original complaint in that therein on April 26th, before the HON. BUD GOODMAN, the same Police Officer "that he was compelled to use necessary force in effecting the authorized arrest of the defendant in that the defendant did struggle with an attempt to take possession of Police Officer nightstick". A photocopy of this complaint is annexed hereto as Exhibit "B" and made a part hereof as though herein set forth in full. I have attempted to order the minutes of the arraignment which should contain the dialogue between JUDGE GOODMAN, Police Officer and the Assistant District Attorney on duty, but so far have not been able to contact the court reporter whose name appears to be

5. I respectfully submit that it is most unusual for the District Attorney to prepare a superceding or amended complaint without any indication that it is anything but the original.

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I submit this affidavit in support of the motion of the defendant herein to dismiss the complaint in the interest of justice, pursuant to Section 170.40 of the Criminal Procedure Law. This section lists the criteria to be considered by the Court in considering whether or not to dismiss a charge in the interest of justice, and I set forth the following discussion of these criteria, as applied to the instance case: (a) The Seriousness and Circumstances of the Offense. In the instant case, the charges against the defendant are two misdemeanors, namely, violation of Sections 195.05 and 205.30, Obstructing Governmental Administration, and Resisting Arrest. The foregoing affidavit of the defendant clearly delineates the circumstances under which he found himself defending his friend. and himself from an unprovoked assault by two strangers. The two other charges in the complaint against the defendant, namely Violation of Sections 240.20 and 240.25, disorderly Conduct and Harassment, respectively are less than a misdemeanor and classified in the Penal Law as "violations". (b) The Extent of Harm Caused by the Offense. respectfully submit that it is apparent that no harm to anyone, other than the defendant, and his campanion, was caused by the actions of the defendant. The harm to each of them was, to say the least, extremely severe and unwarranted by the incident described in either of the complaints, or the foregoing affidavit of the defendant herein. (c) The Evidence of Guilt.

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I submit that there is a serious question as to whether the actions of the defendant herein were criminal in nature. Certainly he, like any citizen, has a right to defend himself and his campanion from an unwarranted assault by strangers which is what occurred here. attempt to create a felony by originally charging the defendant with Attempted Grand Larceny in the 3rd Degree, I respectfully submit, speaks for itself, and is indicative of the fact that the prosecutor was aware that the arrest was unwarranted and therefore, the attempt the police officers, likewise, was unwarranted, so that the attempt to bolster the charge "by creative writing". Likewise, the indication in the fingerprint record, attached to the papers, to the effect that the defendant was originally charged as committing a violent felony, namely Attempted Robbery in violation of Sections 110/160.10 of the Penal Law is indicative of the knowledge and realization of the arresting officers and/or their superior, that the violence committed by the police was not justifiable under the circumstances, and had to be justified by improper charges. (d) The History, Character and Conduct of the Defendant. The defendant is 51 years of age, and has no prior conflict with the In other words, not only has he never been convicted of any violation of law, but he has never previously been charged or arrested as a violator of the law. The public image which to a limited extent established by the Exhibits hereto annexed, are indicative of a law

abiding character and one not given to violence in any way, shape, or form. (e) Any Exceptional Serious Misconduct of Law Enforcement Personnel in the Investigation, Arrest, and Prosecution of the Defendant. I respectfully submit that based upon the preceding affidavit of the defendant, which is a part of this motion, and is considerable evidence of unlawful actions by the arresting police officers. I further submit as I have pointed out, supra, it is clearly evident that the charges in this case and the complaints in this case are, to say the least, the product of creative drafting by the Office of the Prosecutor, founded upon the creative over-charging of the defendant by the Police, all of which points to and leaves one with the inescapable thought that both the Police and the Prosecutor are attempting to gloss over excessive use of force, and unlawful arrest of the defendant, and the equally improper prosecution of the defendant. (f) The Purpose and Effect of Imposing upon the Defendant a Sentence Authorized for the Offense. I respectfully submit that no useful purpose could or would be served by convicting this defendant and sentencing him. The only thing that might be accomplished would be that the defendant would acquire a criminal record which might interest the media and cause him to be embarrassed in his work as a lecturer, instructor, and television performer, all of which could be nothing but detrimental to society and him. (g) The Impact of a Dismissal on the Safety and Welfare of a Community. It is respectfully submitted that the

only impact upon the safety or welfare of a community by a dismissal of the charges herein, would be to increase the safety and welfare of the community if, for no other reason, that a dismissal might cause members of the Police Department of the City of New York to act in a lawful manner and not use excessive force upon the innocent public. (h) The Impact of a Dismissal Upon the Confidence of the Public in the Criminal Justice System. I respectfully submit that a dismissal of the instant charges would have no affect except to increase the confidence of the defendant and the public in the criminal justice system and would and should renew the faith of the defendant, and that of the public, in our system of criminal justice. (i) The Attitude of the Complainant with Respect to the Motion. The attitude of the complainant is not known, except from the actions of the prosecution, it must appear that they oppose this motion. It is respectfully submitted that in the instant case, this is of no relevance. (j) Any Other Relevant Fact Indicating that a Judgment of Conviction Would Serve No Useful Purpose. I respectfully submit it is virtually impossible to conceive of a case where a Judgemnt of Conviction could and would serve less of a useful purpose then the instant case. I further submit that the physical and emotional harm suffered by this defendant in the arrest, assault and imprisonment in this case is so great, that any further prosecution would be morally improper and devoid of any element of human kindness and humane purpose.

8. I submit that the defendant's prior good record and service to the community and dedication to the entertainment of, and informing the public is such, that justice would be served by the granting of the within motion, and a dismissal of the charges herein.

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Sworn to before me this 18th day of June, 1982.

ALLAN D. MANTEL
Notary Public, State of New York
No. 31-4647116
No. 31-4647116
Qualified in New York County
Commission C-ohres March 30, 1983

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, •	Criminal C	Or of the	City of	Dow York NEW YORK	
				******************	•
THE PEOPLE	OF THE STATE O	F NEW YORK	1	•	,
		• •	STA	TE OF NEW YOR	RK } ss.:
1. GENE LON	OON	M/22	COL	INTY OF NEW	.
2				MALL OF THEM	
4	DEFENDANTS			•	
- · · · · · · · · · · · · · · · · · · ·	. Ditt (140-1441)			!	
.0.		of	TPF'	NEW YORK	NEW YORK
oina duly swari	ı, deposes and sa	ivs that on	Address 4/25/8	County 2 at about	4:30 a.m.
£ <u>/0_173</u>		.yo mar on	NEW Y	CULTE	ate of New York,
<u> </u>	Address	<u> </u>		ounty 510	He of New York,
ie defendant co	ommitted the offe			-	•
A.	PL 205.30 R PL 240.20 Di	<u>lesisting Arr</u> sorderly Con	<u>est</u> duct		
C.	<u>PL 110/155.</u>	30, ATTEMPTE	D GRAND LAR	CEIM-3RD DEC	litei
D.	•				· · · · · · · · · · · · · · · · · · ·
ender the follow	ring circumstance	es:			
macrimo ronon					
Deponen	t states that	he observed	the defend	ant engaged	in a physical
ltercation t	with an unkno	wn male.		•	
Depondu	t further sta	ites that he	was compell	ed to use ne	ecessary force
g effecting	the authoriz	ed arrest of	the defend	ant, in that	t the defendant
id struggle	with an atte	empt to take	possession	of P.O.	
ight stick.		•	-	• . —	•
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Sworn to before me on	ΛP	TL 26,,82	•		r
274011	\			. —	MEANOR COMPLAINT
1.400			-25-	□ wtznew	ENHOR INFORMATION

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FORM M-1 100M - 11150H2 (77)